



CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____

BILL 7 (2004), FD3

A BILL FOR AN ORDINANCE

RELATING TO ADMINISTRATIVE FINES.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. The purpose of this ordinance is to amend the city traffic code to allow for issuance of administrative citations for violations of the traffic code. The procedure is intended to be voluntary on the part of those who have been charged with an administrative offense. At any time prior to the payment of the administrative penalty provided in this ordinance, an individual charged with an administrative offense may withdraw from participation in the procedure and the city may issue a citation pursuant to current Section 15-26.1.

SECTION 2. Section 15-26.1, Revised Ordinances of Honolulu 1990, as amended, is further amended to read as follows:

"Sec. 15-26.1 Procedure upon arrest.

- (a) Except as provided in Section 15-24.2 or when authorized or directed under state law to immediately take a person arrested for a violation of any of the traffic laws before a magistrate, any authorized police officer, upon making an arrest for violation of the state traffic laws or traffic code and ordinances of the City and County of Honolulu, shall take the name, address and driver's license number of the alleged violator and license plate number or vehicle identification number of the vehicle involved, and shall issue to such person in writing a summons or citation, hereinafter described, notifying the person to answer to the complaint to be entered against him or her at a place and at a time provided in said summons or citation.
- (b) In lieu of issuing the summons or citation referred to in subsection (a), an authorized police officer, in accordance with rules and regulations adopted by the Honolulu Police Department, shall offer to issue an administrative citation under this subsection. If issuing an administrative citation, the officer shall take the name, address and driver's license number of the alleged violator and license plate number or vehicle identification number of the vehicle involved, and shall issue the administrative citation. At any time prior to payment of an administrative fine as set forth in Section 15-26.9(c), an alleged violator may request a citation be issued under subsection (a) instead."

SECTION 3. Section 15-26.2, Revised Ordinances of Honolulu 1990, as amended, is further amended to read as follows:



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"Sec. 15-26.2 Summons or citation.

- (a) There shall be provided for use by authorized police officers a form of summons or citation for use in citing violators of those traffic laws which do not mandate the physical arrest of such violators. The form and content of such summons or citation shall be as adopted or prescribed by the administrative judge of the district courts and shall be printed on a form commensurate with the form of other summonses or citations used in modern methods of arrest, so designed as to include all necessary information to make the same valid within the laws and regulations of the State of Hawaii and the City and County of Honolulu.
- (b) In every case when a citation is issued, the original of the same shall be given to the violator or, in the case of an unattended vehicle, the original of the same shall be affixed to such vehicle as provided for in Section 15-26.4; provided, that the administrative judge of the district courts may prescribe the giving to the violator, or affixing to such vehicle, a carbon copy of the citation, and provide for the disposition of the original and any other copies.
- (c) Every citation shall be consecutively numbered and each carbon copy shall bear the number of its respective original.
- (d) There shall be provided for use by authorized police officers a form for administrative citations. The form and content of such citation shall be as prescribed by the corporation counsel and shall be printed on a form commensurate with the form of other citations used in modern methods of arrest, so designed as to include all necessary information to make the same valid within the laws and regulations of the State of Hawaii and the City and County of Honolulu."

SECTION 4. Section 15-26.3, Revised Ordinances of Honolulu 1990, as amended, is further amended to read as follows:

"Sec. 15-26.3 Failure to obey summons or respond to administrative citation—Contesting an administrative citation.

- (a) Any person who fails to appear at the place and within the time specified in the summons or citation addressed to the person by an officer upon the person's arrest for any violation of this traffic code for which a criminal penalty is provided is guilty of a misdemeanor regardless of the disposition of the charge on which the person was originally arrested.



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- (b) Any person who seeks to contest an administrative citation, or fails to remit payment of an administrative fine within 10 days of receiving an administrative citation, shall be deemed to have opted not to receive an administrative citation, and shall be issued a summons or citation pursuant to Section 15-26.1(a)."

SECTION 5. Section 15-26.4, Revised Ordinances of Honolulu 1990, as amended, is further amended to read as follows:

"Sec. 15-26.4 Summons or citation for illegally parked, standing or stopped vehicle.

- (a) Whenever any vehicle is parked, standing, or stopped in violation of any of the restrictions contained in this traffic code, the officer finding the vehicle shall conspicuously affix to the vehicle [a summons or] an administrative citation. The [summons or] citation shall be addressed to the registered owner of the vehicle, but need not identify the registered owner by name. The registered owner may be unnamed, so long as the [summons or] citation identifies the vehicle by its license plate number or vehicle identification number. The [summons or] citation shall notify the registered owner that if they wish to contest the administrative citation, or do not remit payment of the administrative fine within 10 days of issuance of the administrative citation, they shall be issued a non-administrative summons or citation. The non-administrative summons or citation shall notify the registered owner to answer [to] the complaint to be entered against the registered owner at the location and time specified in the summons or citation.
- (b) The registered owner of a vehicle shall be responsible and accountable for the illegal parking, standing, or stopping of the vehicle when:
- (1) The registered owner committed the illegal parking, standing or stopping of the vehicle; or
 - (2) Another person committed the illegal parking, standing or stopping of the vehicle, but the registered owner gave the person explicit or implicit permission to use the vehicle at the time of the violation.
- (c) In any proceeding for violation of a parking, standing or stopping provision of the traffic code, the license plate number or vehicle identification number of the parked, standing or stopped vehicle shall constitute prima facie evidence that the registered owner was responsible and accountable for the illegal parking, standing or stopping of the vehicle."



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SECTION 6. Section 15-26.9, Revised Ordinances of Honolulu 1990, as amended, is further amended to read as follows:

"Sec. 15-26.9 Unspecified penalty and administrative fines.

- (a) Except as otherwise provided in this traffic code, it is a violation for any person to violate any of the provisions of this traffic code unless the violation is by other law of this state declared to be a felony.
- (b) Every person who violates any provision of this traffic code for which another penalty is not provided shall, for a first offense thereof, be fined not less than \$15.00, but not more than \$100.00; for a second offense committed within one year after the date of the first offense, the person shall be fined not less than \$15.00, but not more than \$200.00; and for a third or subsequent offense committed within one year after the date of the first offense, the person shall be fined not less than \$15.00, but not more than \$500.00.
- (c) The amount of the administrative fine shall be \$10.00 less than the fine that would be indicated on a citation for a violation of the same provision. If the administrative fine is paid, the alleged violator shall be deemed not to have committed a violation of that provision."

SECTION 7. Section 15-26.12, Revised Ordinances of Honolulu 1990, as amended, is further amended to read as follows:

"Sec. 15-26.12 Disposition of fines and forfeitures.

All fines and forfeitures collected upon conviction or upon the forfeiture of bail of any person charged with a violation of any section or provision of this traffic code shall be paid to the director of finance of the state. All administrative fines shall be paid to the director of budget and fiscal services of the city."

SECTION 8. New ordinance material in sections 2 through 7 is underscored. When revising, compiling, or printing this ordinance for inclusion in the Revised Ordinances of Honolulu, the revisor of ordinances need not include the underscoring.

SECTION 9. The Honolulu police department, with assistance from the department of information technology, shall create a database that can be accessed by a citing officer to determine whether a person is eligible to receive an administrative citation under Section 15-26.1(b), Revised Ordinances of Honolulu, as enacted in Section 2 of this ordinance, and as it may hereafter be amended.



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SECTION 10. Monies received in payment of administrative fines shall be first appropriated to pay for all costs associated with the administration, implementation and enforcement of the administrative fine program. Any monies received in excess of monies needed to pay for the aforesaid costs of this program may be general realizations of the city.

SECTION 11. This ordinance shall take effect on July 1, 2005.

INTRODUCED BY:

Charles K. Djou

DATE OF INTRODUCTION:

February 5, 2004

Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel

APPROVED this _____ day of _____, 2004.

JEREMY HARRIS, Mayor
City and County of Honolulu
(OCS/051204/mg)